

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Attorney Docket No. 7044-X07-067  
Yahoshua BARAK : Confirmation No. : 3847  
Application No.: 10/595,170 : Inter. App. No.: PCT/IL04/00822

Filed: March 16, 2006

Title: *ORTHOPEDIC INSOLES FOR PROTECTING THE METATARSAL HEADS OF THE FOREFOOT*

**PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW**  
**THE HOLDING OF ABANDONMENT**

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of the holding of Abandonment in the above-identified patent application.

Table of Contents for this Petition and Attached Exhibits

Petition (3 pages) - Begins on page 2.  
Exhibit A: Copy of Notification of Abandonment Dated October 6, 2008 (1 page)  
Exhibit B: Copy of Notification of Insufficient Fees Dated December 21, 2006 (2 pages)  
Exhibit C: Copy of first page of Transmittal Letter submitted at filing of application (1 page)  
Exhibit D: Copy of Electronic Acknowledgement Receipt Dated March 16, 2006 (3 pages)  
Exhibit E: Copy of Application Data Sheet (5 pages)  
Exhibit F: Copy of Filing Receipt Dated December 21, 2006 (3 pages)  
Exhibit G: Copy of Request for Correction of Filing Receipt Dated March 24, 2008 (10 pages)  
Exhibit H: Copy of Corrected Filing Receipt Dated July 24, 2008 (3 pages)  
Exhibit I: Copy of the PCT Request Dated November 1, 2004 (3 pages)  
Exhibit J: Copy of the Fee Worksheet submitted at filing of application (2 pages)  
Exhibit K: Copy of the Notice of Publication of Application Dated May 3, 2007 (1 page)

In accordance with 37 CFR §1.181(a), Applicant respectfully petitions the Commissioner for withdrawal of the holding of Abandonment. The Notification of Abandonment, dated October 6, 2008 (Exhibit A), states that the reason for abandonment is *“Applicant’s failure to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/21/2006 within the time period set therein.”* The notification referred to was a Notification of Insufficient Fees (DO/EO/US) (Exhibit B). Applicant respectfully submits that the Notification of Insufficient Fees was mailed in error resulting with the Notification of Abandonment also being mailed in error.

The above-identified application is the U.S. National Stage of International Application PCT/IL04/00822. However, the International Application Number was inadvertently identified as PCT/IB04/00822 on the Transmittal Letter submitted with the application documents on the day of filing of the application (Exhibit C). Thus, the Electronic Acknowledgement Receipt also incorrectly shows PCT/IB04/00822 (Exhibit D). International Application PCT/IB04/00822 includes a sixty eight-page specification drawn to enzyme inhibitors. In contrast, International Application PCT/IL04/00822 includes a six-page specification drawn to orthopedic insoles. Thus, the two international applications are clearly unrelated. The Electronic Acknowledgement Receipt (Exhibit C) indicates that the correct six-page specification was filed. Furthermore, although improperly listed under foreign priority information, the international application was correctly identified on the Application Data Sheet (ADS) filed concurrently with the application (Exhibit E).

Upon receipt of the Filing Receipt, dated December 21, 2006 (Exhibit F), Applicant realized that the priority data was incorrect and requested correction of the filing receipt (Exhibit G). The Corrected Filing Receipt, mailed on July 24, 2008 (Exhibit H), shows the corrected priority data, stating that *“This application is a 371 of PCT/IL04/00822 09/09/2004 which claims benefit of 60/502,943 09/16/2003.”* Thus, the priority data was corrected prior to the date of the Notification of Abandonment.

The United States Patent and Trademark Office is designated as the International Searching Authority on the PCT Request for International Application PCT/IL04/00822 (Exhibit I). Accordingly, the \$50 search fee paid at filing was the appropriate fee due and the further fee of \$200 required by the Notification of Insufficient Fees (Exhibit B) is in error. All necessary filing fees were paid at the time of filing.

Additionally, considering that the application published on May 3, 2007, (Exhibit K), Applicant understood the Notification of Insufficient Fees to be withdrawn.

Since Applicant has now shown evidence that the Notification of Insufficient Fees was mailed in error resulting with the Notification of Abandonment also being mailed in error, Applicant respectfully requests withdrawal of the holding of Abandonment.

Applicant believes that this petition is a non-fee petition. However, if it should be determined that a fee is required, please charge such fee to Deposit Account **500601**.

In the alternative, in the unlikely event that this petition is not granted, Applicant respectfully requests that this petition be considered a petition to revive an unintentionally abandoned patent application. Applicant respectfully submits that, other than the possible payment of additional fees, all 35 U.S.C. 371(c) requirements have been previously submitted or are submitted herewith. Accordingly, please charge the payment of the required petition fee as well as any other required fee to Deposit Account **500601** as an unintentionally abandoned patent application. In this regard, Applicant certifies that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Because the application was filed after June 8, 1995, a terminal disclaimer is not required for revival.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **500601**.

Date: December 1, 2008

Respectfully submitted,

By: Paul D. Bianco

Paul D. Bianco (Reg. No. 43,500)

Attorney for Applicants

Fleit Gibbons Gutman

Bongini & Bianco P.L.

21355 East Dixie Highway, Suite 115

Miami, FL 33180

Tel. (305) 830-2600

Fax (305) 830-2605

## EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/595,170	Yahoshua BARAK	7044-X07-067

27317

Fleit Gibbons Gutman Bongini & Bianco PL  
21355 EAST DIXIE HIGHWAY  
SUITE 115  
MIAMI, FL 33180

INTERNATIONAL APPLICATION NO.	
PCT/II.04/00822	
I.A. FILING DATE	PRIORITY DATE
09/09/2004	09/16/2003

**CONFIRMATION NO. 3847**  
**371**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000027356697\*

Date Mailed: 10/06/2008

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/21/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TRACEI A HALE

Telephone: (703) 308-9140 EXT 104

## EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/595,170	Yahoshua BARAK	951/1

24101  
BRUCE E. LILLING  
LILLING & LILLING P.C.  
P.O. BOX 560  
GOLDEN BRIDGE, NY 10526

INTERNATIONAL APPLICATION NO.
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PCT/IB04/00822

I.A. FILING DATE	PRIORITY DATE
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03/09/2004

03/14/2003

CONFIRMATION NO. 3847

371 FORMALITIES LETTER



\*OC000000021648967\*

Date Mailed: 12/21/2006

**Notification of Insufficient Fees (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/16/2006
- Copy of the International Search Report filed on 03/16/2006
- Copy of IPE Report filed on 03/16/2006
- Preliminary Amendments filed on 03/16/2006
- Oath or Declaration filed on 03/16/2006
- Request for Immediate Examination filed on 03/16/2006
- U.S. Basic National Fees filed on 03/16/2006
- Priority Documents filed on 03/16/2006
- Power of Attorney filed on 03/16/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$265** for a Small Entity:

- **\$65 Surcharge.**
- The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR

1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/595,170	PCT/IB04/00822	951/1



## EXHIBIT C

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b>  <b>951/1</b>  U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO.  <b>PCT/IB2004/000822</b>	INTERNATIONAL FILING DATE  <b>9-Sep-2004</b>	PRIORITY DATE CLAIMED  <b>16-Sep-2003</b>
TITLE OF INVENTION  <p style="text-align: center;"><b>Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot</b></p>		
APPLICANT(S) FOR DO/EO/US  <p style="text-align: center;"><b>Yehoshua BARAK</b></p>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/>	This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.	
2. <input checked="" type="checkbox"/>	This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.	
3. <input checked="" type="checkbox"/>	This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.	
4. <input checked="" type="checkbox"/>	The US has been elected (Article 31).	
5. <input checked="" type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2))	
	a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).	
	b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.	
	c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).	
6. <input checked="" type="checkbox"/>	An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).	
	a. <input checked="" type="checkbox"/> attached hereto.	
	b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).	
7. <input checked="" type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))	
	a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).	
	b. <input type="checkbox"/> have been communicated by the International Bureau.	
	c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.	
	d. <input type="checkbox"/> have not been made and will not be made.	
8. <input type="checkbox"/>	An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).	
9. <input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).	
10. <input type="checkbox"/>	An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).	
<b>Items 11 to 20 below concern document(s) or information included:</b>		
11. <input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.	
12. <input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.	
13. <input type="checkbox"/>	A preliminary amendment.	
14. <input checked="" type="checkbox"/>	An Application Data Sheet under 37 CFR 1.76.	
15. <input checked="" type="checkbox"/>	A substitute specification.	
16. <input checked="" type="checkbox"/>	A power of attorney and/or change of address letter.	
17. <input type="checkbox"/>	A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.	
18. <input type="checkbox"/>	A second copy of the published International Application under 35 U.S.C. 154(d)(4).	
19. <input type="checkbox"/>	A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).	
20. <input type="checkbox"/>	Other items or information: _____	

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## EXHIBIT D

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1009236
<b>Application Number:</b>	10595170
<b>Confirmation Number:</b>	3847
<b>Title of Invention:</b>	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot
<b>First Named Inventor:</b>	Yehoshua BARAK
<b>Customer Number:</b>	24101
<b>Filer:</b>	Bruce E. Lilling/Sean Kelleher
<b>Filer Authorized By:</b>	Bruce E. Lilling
<b>Attorney Docket Number:</b>	951/1
<b>Receipt Date:</b>	16-MAR-2006
<b>Filing Date:</b>	
<b>Time Stamp:</b>	14:19:23
<b>Application Type:</b>	U.S. National Stage under 35 USC 371
<b>International Application Number:</b>	PCT/IB04/00822

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$300.0
RAM confirmation Number	90
Deposit Account	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
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1	Transmittal letter	Tranmittal.pdf	33711	no	1
Warnings:					
Information:					
2	Application Data Sheet	14-ADS.pdf	1105403	no	5
Warnings:					
Information:					
3		Specification.pdf	41721	yes	9
	Multipart Description				
	Doc Desc		Start	End	
	Specification		1	6	
	Claims		7	8	
	Abstract		9	9	
Warnings:					
Information:					
4	Drawings	Drawings.pdf	648178	no	10
Warnings:					
Information:					
5	Oath or Declaration filed	Declaration-s.pdf	62030	no	2
Warnings:					
Information:					
6	Power of Attorney (may include Associate POA)	POA-s1.pdf	33187	no	2
Warnings:					
Information:					
7	Preliminary Amendment	AmendedClaims.pdf	18564	no	3
Warnings:					
Information:					

8	Documents submitted with 371 Applications	WO2005025356A2.pdf	664707	no	18
<b>Warnings:</b>					
<b>Information:</b>					
9	Documents submitted with 371 Applications	SearchReport.pdf	240718	no	11
<b>Warnings:</b>					
<b>Information:</b>					
10	Fee Worksheet (PTO-875)	fee-info.pdf	8407	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			2856626		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					

## EXHIBIT E

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

## Secrecy Order 37 CFR 5.2

<input type="checkbox"/> Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

## Applicant Information:

<b>Applicant 1</b>					<input type="button" value="Remove"/>
<b>Applicant Authority</b>		<input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118			
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>	
	Yahoshua		BARAK		
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
<b>City</b>	Holon	<b>Country Of Residence<sup>i</sup></b>	IL		
<b>Citizenship under 37 CFR 1.41(b)<sup>i</sup></b>		IL			
<b>Mailing Address of Applicant:</b>					
<b>Address 1</b>	49 Krauze				
<b>Address 2</b>					
<b>City</b>	Holon	<b>State/Province</b>			
<b>Postal Code</b>	58350	<b>Country<sup>i</sup></b>	IL		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button. <input type="button" value="Add"/>					

## Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.			
<b>Customer Number</b>	24101		
<b>Email Address</b>	sean@lilling.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>
<b>Email Address</b>	bruce@lilling.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>



<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		

## Application Information:

<b>Title of the Invention</b>	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		
<b>Attorney Docket Number</b>	951/1	<b>Small Entity Status Claimed</b>	<input checked="" type="checkbox"/>
<b>Application Type</b>	Nonprovisional		
<b>Subject Matter</b>	Utility		
<b>Suggested Class (if any)</b>		<b>Sub Class (if any)</b>	
<b>Suggested Technology Center (if any)</b>			
<b>Total Number of Drawing Sheets (if any)</b>	10	<b>Suggested Figure for Publication (if any)</b>	1
<b>Publication Information:</b>			
<input type="checkbox"/> Request Early Publication (Fee required at time of Request 37 CFR 1.219)			
<input type="checkbox"/> Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.			

## Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

<b>Please Select One:</b>	<input type="radio"/> Customer Number	<input checked="" type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>
	Sean	Liam	Kelleher
<b>Registration Number</b>	54212		
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>
	Bruce		Lilling
<b>Registration Number</b>	27656		
Additional Representative Information blocks may be generated within this form by selecting the <b>Add</b> button.			

## Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

<b>Prior Application Status</b>	Expired	<b>Remove</b>	
<b>Application Number</b>	<b>Continuity Type</b>	<b>Prior Application Number</b>	<b>Filing Date (YYYY-MM-DD)</b>
	non provisional of	60/502943	2003-09-16

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		

Additional Domestic Priority Data may be generated within this form by selecting the Add button.

Add

## Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country <sup>i</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
PCT/IL2004/000822	IL	2004-09-09	<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the Add button.

Add

## Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

### Assignee 1

Remove

If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

### Mailing Address Information:

Address 1			
Address 2			
City		State/Province	
Country <sup>i</sup>		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button.

Add

## Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Sean Liam Kelleher/		Date (YYYY-MM-DD)	2006-03-16	
First Name	Sean	Last Name	Kelleher	Registration Number	54212

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## EXHIBIT F



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/595,170	03/16/2006	3728	250	951/1	10	8	2

**CONFIRMATION NO. 3847**

24101  
BRUCE E. LILLING  
LILLING & LILLING P.C.  
P.O. BOX 560  
GOLDEN BRIDGE, NY10526

## FILING RECEIPT

Date Mailed: 12/21/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

### Applicant(s)

Yahoshua BARAK, Holon,;

### Power of Attorney:

Bruce Lilling--27656  
Sean Kelleher--54212

### Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB04/00822 03/09/2004

### Foreign Applications

UNITED KINGDOM 0305916.9 03/14/2003  
UNITED KINGDOM 0329143.2 12/16/2003

### If Required, Foreign Filing License Granted: 12/16/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/595,170**

**Projected Publication Date: 03/29/2007**

**Non-Publication Request: No**

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

**Preliminary Class**

036

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## EXHIBIT G

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3039212
<b>Application Number:</b>	10595170
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	3847
<b>Title of Invention:</b>	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot
<b>First Named Inventor/Applicant Name:</b>	Yahoshua BARAK
<b>Customer Number:</b>	27317
<b>Filer:</b>	Martin Fleit/Estefania Belaunde
<b>Filer Authorized By:</b>	Martin Fleit
<b>Attorney Docket Number:</b>	7044-X07-067
<b>Receipt Date:</b>	24-MAR-2008
<b>Filing Date:</b>	16-MAR-2006
<b>Time Stamp:</b>	09:56:04
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Corrected Filing Receipt	_0324095055_001.pdf	300408	no	8
			0a73ade053e0d3d955d0006439cb1d971e173e4		
Warnings:					
Information:					

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yahoshuda BARAK

Confirmation No.: 3847

Application No.: 10/595,170

Group Art Unit: 3728

Filed: March 16, 2006

Attorney Docket No: 7044-X07-067

For: ORTHOPEDIC INSOLES FOR PROTECTING THE METATARSAL HEADS OF THE FOREFOOT

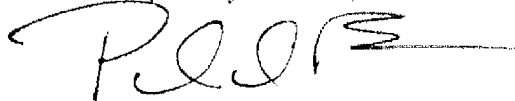
**REQUEST FOR CORRECTION OF FILING RECEIPT**

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

The Filing Receipt mailed December 21, 2006 lists the incorrect Domestic Priority data. The Domestic Priority data should be PCT/IL04/00822, not "PCT/IB04/00822". In addition, this application does not claim priority of Foreign Applications. Please delete "UNITED KINGDOM 0305916.9 03/14/2003" and "UNITED KINGDOM 0329143.2 12/16/2003" under Foreign Applications. Instead, this application claims benefit of U.S. Provisional Application No. 60/502,943 filed September 16, 2003. Please correct the Filing Receipt mailed December 21, 2006 as indicated on the enclosed marked-up copy. Enclosed are copies of the Application Data Sheet submitted together with the response to the Notice to File Corrected Application Papers on March 16, 2006 showing that this is a USPTO error. Accordingly, no fee is believed to be due for this Request. However, please charge any fee to Deposit Account 500601 (Atty. Docket No. 7044-X07-067).

Respectfully submitted,



Paul D. Bianco, Reg. # 43,500

Enclosures

CUSTOMER NUMBER 27317  
PAUL D. BIANCO  
Fleit, Kain, Gibbons, Gutman Bongini & Bianco P.L.  
21355 East Dixie Highway  
Suite 115  
Miami, Florida 33180  
305-830-2600 (telephone) 305-830-2605 (facsimile)



## UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/595,170	03/16/2006	3728	250	951/1	10	8	2

CONFIRMATION NO. 3847

## FILING RECEIPT

24101  
BRUCE E. LILLING  
LILLING & LILLING P.C.  
P.O. BOX 560  
GOLDEN BRIDGE, NY10526

Date Mailed: 12/21/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Yahoshua BARAK, Holon,;

## Power of Attorney:

Bruce Lilling--27656  
Sean Kelleher--54212

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB04/00822-03/09/2004

PCT/IL04/00822

## Foreign Applications

~~UNITED KINGDOM 0305916.9 03/14/2003~~~~UNITED KINGDOM 0329143.2 12/16/2003~~

Add → 60/502,943 9-16-2003

If Required, Foreign Filing License Granted: 12/16/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is  
**US10/595,170**

Projected Publication Date: 03/29/2007

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

**Preliminary Class**

036

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

**COPY**

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	<b>COPY</b>
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

## Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

## Applicant Information:

<b>Applicant 1</b>					<b>Remove</b>
<b>Applicant Authority</b>		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>	
	Yahoshua		BARAK		
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
<b>City</b>	Holon	<b>Country Of Residence</b>	IL		
<b>Citizenship under 37 CFR 1.41(b) i</b>		IL			
<b>Mailing Address of Applicant:</b>					
<b>Address 1</b>	49 Krauze				
<b>Address 2</b>					
<b>City</b>	Holon	<b>State/Province</b>			
<b>Postal Code</b>	58350	<b>Country</b>	IL		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button.					

## Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
<b>Customer Number</b>	24101		
<b>Email Address</b>	sean@lilling.com	<b>Add Email</b>	<b>Remove Email</b>
<b>Email Address</b>	bruce@lilling.com	<b>Add Email</b>	<b>Remove Email</b>



<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		

**COPY****Application Information:**

<b>Title of the Invention</b>	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		
<b>Attorney Docket Number</b>	951/1	<b>Small Entity Status Claimed</b>	<input checked="" type="checkbox"/>
<b>Application Type</b>	Nonprovisional		
<b>Subject Matter</b>	Utility		
<b>Suggested Class (if any)</b>		<b>Sub Class (if any)</b>	
<b>Suggested Technology Center (if any)</b>			
<b>Total Number of Drawing Sheets (if any)</b>	10	<b>Suggested Figure for Publication (if any)</b>	1
<b>Publication Information:</b>			
<input type="checkbox"/> Request Early Publication (Fee required at time of Request 37 CFR 1.219)			
<input type="checkbox"/> Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.			

**Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:		<input type="radio"/> Customer Number	<input checked="" type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)	
Prefix	Given Name	Middle Name	Family Name	Suffix	<input type="button" value="Remove"/>
	Sean	Liam	Kelleher		
Registration Number		54212			
Prefix	Given Name	Middle Name	Family Name	Suffix	<input type="button" value="Remove"/>
	Bruce		Lilling		
Registration Number		27656			
Additional Representative Information blocks may be generated within this form by selecting the <input type="button" value="Add"/> button.					

**Domestic Priority Information:**

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

<b>Prior Application Status</b>	Expired	<input type="button" value="Remove"/>	
<b>Application Number</b>	<b>Continuity Type</b>	<b>Prior Application Number</b>	<b>Filing Date (YYYY-MM-DD)</b>
	non provisional of	60/502943	2003-09-16

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		

**COPY**

Additional Domestic Priority Data may be generated within this form by selecting the Add button.

### Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Application Number	Country	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
PCT/IL2004/000822	IL	2004-09-09	<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the Add button.

### Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

#### Assignee 1

If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

#### Mailing Address Information:

Address 1			
Address 2			
City		State/Province	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			


Additional Assignee Data may be generated within this form by selecting the Add button.

### Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Sean Liam Kelleher/		Date (YYYY-MM-DD)	2006-03-16	
First Name	Sean	Last Name	Kelleher	Registration Number	54212

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	951/1
		Application Number	
Title of Invention	Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot		



This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## EXHIBIT H



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/595,170	03/16/2006	3728	250	7044-X07-067	8	2

CONFIRMATION NO. 3847

CORRECTED FILING RECEIPT

27317

Fleit Gibbons Gutman Bongini & Bianco PL  
21355 EAST DIXIE HIGHWAY  
SUITE 115  
MIAMI, FL 33180



OC000000031158678

Date Mailed: 07/24/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

## Applicant(s)

Yahoshua BARAK, Holon, ISRAEL;

**Power of Attorney:** The patent practitioners associated with Customer Number 27317

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IL04/00822 09/09/2004  
which claims benefit of 60/502,943 09/16/2003

## Foreign Applications

**If Required, Foreign Filing License Granted:** 12/16/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/595,170**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot

**Preliminary Class**

036

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## EXHIBIT I



US  
SEARCH COPY

DT07 Rec'd PCT/PTO 0 1 NOV 2004

B-0043-0000

1/3.

**PCT REQUEST**

Original (for SUBMISSION)

<b>0</b>	<b>For receiving Office use only</b>	
<b>0-1</b>	International Application No.	<b>PCT/IL 2004 / 000822</b>
<b>0-2</b>	International Filing Date	<b>09 SEP 2004 (09.09.2004)</b>
<b>0-3</b>	Name of receiving Office and "PCT International Application"	<b>ISRAEL PATENT OFFICE PCT International Application</b>
<b>0-4</b>	<b>Form - PCT/RO/101 PCT Request</b>	
<b>0-4-1</b>	Prepared Using	<b>PCT-SAFE [EASY mode] Version 3.50 (Build 0002.162)</b>
<b>0-5</b>	<b>Petition</b> The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
<b>0-6</b>	<b>Receiving Office (specified by the applicant)</b>	<b>Israel Patent Office (RO/IL)</b>
<b>0-7</b>	<b>Applicant's or agent's file reference</b>	<b>B-0043-0000</b>
<b>I</b>	<b>Title of Invention</b>	<b>ORTHOPEDIC INSOLES FOR PROTECTING SKIN FROM STRETCHING AND CRACKING IN THE AREA OF THE FIVE METATARSAL HEADS OF THE FOREFOOT</b>
<b>II</b>	<b>Applicant</b>	
<b>II-1</b>	This person is:	<b>applicant and inventor</b>
<b>II-2</b>	Applicant for	<b>all designated States</b>
<b>II-4</b>	Name (LAST, First)	<b>BARAK, Yehoshua</b>
<b>II-5</b>	Address:	<b>49 Krauze St., 58350 Holon Israel</b>
<b>II-6</b>	State of nationality	<b>IL</b>
<b>II-7</b>	State of residence	<b>IL</b>
<b>II-8</b>	Telephone No.	<b>972-3-5012001</b>
<b>II-9</b>	Facsimile No.	<b>972-3-5012001</b>

B-0043-0000

2/3

## PCT REQUEST

Original (for SUBMISSION)


IV-1	<b>Agent or common representative; or address for correspondence</b> The person identified below is hereby/ has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	<b>agent</b>	
IV-1-1	Name:	APPELFELD ZER LAW OFFICE	
IV-1-2	Address:	29 Lilinblum 65133 Tel-aviv Israel	
IV-1-3	Telephone No.	972-3-5163962	
IV-1-4	Facsimile No.	972-3-5162972	
IV-1-5	e-mail	yoram@patentim.com	
V	<b>DESIGNATIONS</b>		
V-1	The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.		
VI-1	<b>Priority claim of earlier national application</b>		
VI-1-1	Filing date	16 September 2003 (16.09.2003)	
VI-1-2	Number	60/502,943	
VI-1-3	Country	US	
VII-1	<b>International Searching Authority Chosen</b>	United States Patent and Trademark Office (USPTO) (ISA/US)	
VIII	<b>Declarations</b>	Number of declarations	
VIII-1	Declaration as to the identity of the inventor	-	
VIII-2	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	-	
VIII-3	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	-	
VIII-4	Declaration of inventorship (only for the purposes of the designation of the United States of America)	-	
VIII-5	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	-	

B-0043-0000

3/3

## PCT REQUEST

Original (for SUBMISSION)

IX	Check list	number of sheets	electronic file(s) attached
IX-1	Request (including declaration sheets)	3	✓
IX-2	Description	6	-
IX-3	Claims	1	-
IX-4	Abstract	1	✓
IX-5	Drawings	10	-
IX-7	TOTAL	21	
	<b>Accompanying items</b>	paper document(s) attached	electronic file(s) attached
IX-8	Fee calculation sheet	✓	-
IX-17	PCT-SAFE physical media	-	✓
IX-19	Figure of the drawings which should accompany the abstract	10	
IX-20	Language of filing of the international application	English	
X-1	Signature of applicant, agent or common representative		
X-1-1	Name:	APPELFELD ZER LAW OFFICE	
X-1-2	Name of signatory	ZER Yoram	
X-1-3	Capacity	Agent	

## FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	09 SEP 2004 (09.09.2004)
10-2	Drawings:	
10-2-1	Received	✓
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/US
10-6	Transmittal of search copy delayed until search fee is paid	✓

## FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the international Bureau	
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## EXHIBIT J

## Electronic Patent Application Fee Transmittal

**Application Number:**

**Filing Date:**

**Title of Invention:**

Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot

**First Named Inventor:**

Yehoshua BARAK

**Filer:**

Bruce E. Lilling/Sean Kelleher

**Attorney Docket Number:**

951/1

Filed as Small Entity

### U.S. National Stage under 35 USC 371 Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
Basic National Stage Fee	2631	1	150	150
Natl Stage Search Fee - U.S. was the ISA	2641	1	50	50
Natl Stage Exam Fee - all other cases	2633	1	100	100

**Pages:**

**Claims:**

**Miscellaneous-Filing:**

**Petition:**

**Patent-Appeals-and-Interference:**

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				300

## EXHIBIT K



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/595,170	03/16/2006	Yahoshua BARAK	951/1

**CONFIRMATION NO. 3847**

27317  
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO  
21355 EAST DIXIE HIGHWAY  
SUITE 115  
MIAMI, FL33180

**Title:** Orthopedic Insoles for Protecting the Metatarsal Heads of the Forefoot

**Publication No.** US-2007-0094815-A1

**Publication Date:** 05/03/2007

**NOTICE OF PUBLICATION OF APPLICATION**

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 703-305-3028.